

Summary of the 2019 South Carolina Compassionate Care Act

Legislative findings of fact:

- On January 12, 2017, the National Academies of Sciences, Engineering, and Medicine, after considering more than 10,000 scientific abstracts, concluded there was evidence that cannabis is effective for the treatment of several medical conditions and symptoms.
- A wide range of medical and public health organizations have recognized the medical utility of cannabis, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and the Epilepsy Foundation.
- The United States Congress has signaled support for state medical cannabis laws by including restrictions in their budget appropriation bills that restrict the Department of Justice from using any funds to interfere with implementation of those state laws.
- As of now, 33 states and the District of Columbia have removed state level criminal penalties from the medical use, cultivation, and distribution of cannabis.

Provisions of the proposed South Carolina law:

- Use of medical cannabis must be authorized in writing by a physician who is in a *bona fide* relationship with the patient and who has made an in-person diagnosis that the patient has a debilitating medical condition that could benefit from the use of cannabis.
- For patients between the ages of 18 and 23, written certifications signed by two different physicians are required.
- The written authorization signed by a physician must be updated annually and be in a form that meets the guidelines published by the Federation of State Medical Boards.
- Debilitating medical conditions defined in the act as including: cancer, multiple sclerosis, a neurological disease, PTSD, glaucoma, Crohn's disease, sickle cell anemia, ulcerative colitis, wasting syndrome, severe nausea in a person who is in hospice care, chronic medical condition causing severe muscle spasms, including multiple sclerosis; or "chronic or debilitating diseases for which an opioid is currently or could be prescribed by a physician based on generally accepted standards of care."

- Certifying physicians must complete at least three hours of Continuing Medical Education (CME) that is specific to medical cannabis; in this regard, MUSC hosts an annual conference that offers eight hours of CME specific to medical cannabis.
- The smoking of cannabis is *not* allowed; it may only be used by patients in forms such as vaporized flower or oil, gel caps, suppositories, patches, edibles or topical creams.
- 6% sales tax and fees to be paid into a South Carolina Medical Cannabis Program Fund; money from the fund goes to reimburse DHEC for costs and then to law enforcement.
- Diversion of cannabis for any use other than medical as authorized by a physician is a felony that results in a fine of up to \$5,000, imprisonment for up to five years, or both.
- No limit on penalties for undertaking tasks under the influence of cannabis if such would constitute negligence or for operating a vehicle while under the influence of cannabis.
- No requirement that an employer make accommodations for medical cannabis use; no limit on ability to discipline employee for being under the influence of medical cannabis.
- All medical cannabis establishments must have security requirements that are developed in consultation with SLED and are subject to random inspections by DHEC and SLED.
- Requires safe, appropriate, and accurate packaging and labeling of medical cannabis and prohibits the use of any images designed or likely to appeal to minors.
- Requires testing of medical cannabis by an independent testing laboratory to ensure the product is safe for human consumption and properly labelled.
- To prevent diversion and protect public safety, DHEC shall require the use of a single real-time, seed-to-sale tracking system by all medical cannabis establishments.
- DHEC shall issue: 15 cultivation licenses, 30 processing licenses, one dispensary license for every twenty pharmacies, and five independent testing laboratory licenses.
- A medical cannabis establishment cannot be within one thousand feet of a school.
- Medical cannabis establishment principals and employees must undergo SLED check.
- Each dispensary must contract or employ a pharmacist, physician assistant or clinical practical nurse who must have required training.